

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. BAR-02-6

BOARD OF OVERSEERS OF THE BAR)

v.)

FRANCIS P. DAUGHAN, ESQ.)

Me. Bar No. 531)

ORDER

This matter is before the Court on an information by the Board of Overseers of the Bar, pursuant to Maine Bar Rules 7.2(b) (1), (2) and 7.3(d), including Grievance Commission Vice Chair Patricia M. Ender's Consent to Commence a Disciplinary Proceeding dated February 19, 2002 authorizing the Board to file an Information directly with the Court without the necessity of hearing by the Grievance Commission under Maine Bar Rules 7.1 (d), (e).

STIPULATIONS

The parties have stipulated to the following material facts:

On or about December 7, 2000, Attorney Francis P. Daughan executed an Agreement to Plead Guilty to a one count Information charging him with loan and credit application fraud, in violation of 18 U.S.C. § 1014. By information dated December 11, 2000, the Office of the United States Attorney, District of Maine charged Attorney Daughan with having knowingly made a false statement for the

purpose of influencing the action of American Investment Bank, N.A. in connection with a credit application and loan, all in violation of 18 U.S.C. § 1014. On January 4, 2001, Attorney Daughan signed a waiver of indictment concerning that underlying matter, and was thereby convicted of the federal criminal offense of making false statements on a loan and credit application. Chief Judge D. Brock Hornby imposed judgment in this federal criminal case on April 5, 2001, which included supervised release for a term of three (3) years and a fine of \$2,500.

CONCLUSION OF LAW

The parties agree and the Court so finds that Attorney Daughan's misconduct and resulting criminal conviction is in violation of Maine Bar Rules 3.1(a) (conduct unworthy of an attorney); 3.2(f)(2) (illegal conduct); and 3.2(f)(3) (conduct involving misrepresentation) and warrants the disciplinary sanction of suspension pursuant to Maine Bar Rule 7.3(d) (Conviction of Crimes).

SANCTIONS

Having found these violations of the Maine Bar Rules, and agreeing with the Board and the Defendant that they are serious, the Court must now consider an appropriate sanction. In that regard, Attorney Daughan has admitted his criminal conduct to the U.S. District Court for his misconduct. The parties agree and this court finds that Attorney Daughan is not likely to repeat this misbehavior. He has

decided to voluntarily remove himself from the active practice of law and to file as an inactive Maine attorney. Therefore, keeping in mind that the main purpose of attorney discipline is not punishment, but protection of the public, the Court hereby ORDERS the following sanction in this matter as proposed by the parties:

1. Attorney Francis P. Daughan is suspended from the practice of law in Maine for 180 days to be effective on this date, July 9, 2002; and
2. Within 30 days of that suspension date, Attorney Daughan will comply with the notification and filing requirements of Maine Bar Rule 7.3(i).

This order is entered based upon the Court's express understanding that at the conclusion of that period of suspension on January 9, 2003, Attorney Daughan will then immediately file with the Board a notification of his voluntary cessation of the practice of law in Maine, and will then register on inactive status under Maine Bar Rule 6(c). In any event, Attorney Daughan shall not anytime thereafter resume the active practice of law in Maine without first having complied with all the provisions and requirements of Maine Bar Rule 6(a);(c)(3).

Dated: July 9, 2002

Robert W. Clifford, Associate Justice